IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4884 of 2007()

CRIME NO.129/07 OF KELAKAM POLICE STATION

.....

PETITIONER/1ST ACCUSED

RAMADASAN V.V.
S/O.PADMANABHAN NAIR, AGED 31 YEARS,
VALIYA VEETIL HOUSE, CHANAPPARA,
PO, KANICHAR, KANNUR DIST.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA
RREPRESENTING S.H.O,
KELAKAM POLICE STATION, KANNUR DIST,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No.4884 OF 2007

Dated this the 10th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. He is the husband of the de facto complainant. He faces allegations, inter alia, under Sec.498A of the IPC. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the marriage had taken place on 22/1/06. There is some strain in the infant matrimony. Because of such strain, fanciful and exaggerated allegations have been raised to vex and harass the petitioner, submits counsel.

2. The learned Public Prosecutor does not oppose the application and, in the facts to which a brief reference is

made above, I am satisfied that the petitioner can be granted anticipatory bail. In coming to this conclusion, the reality that if the petitioner were arrested and detained in custody, that would close the doors permanently on any harmonious reconciliation does weigh with me.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 17/8/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 18/8/07, 19/8/07 and 20/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 17/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 17/8/07.

` Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge